

each applicable vehicle produced by that manufacturer.

(v) If EPA or the manufacturer determines that a reporting error occurred on an annual report previously submitted to EPA, the manufacturer's credit or debit calculations will be recalculated. EPA may void erroneous credits, unless traded, and will adjust erroneous debits. In the case of traded erroneous credits, EPA must adjust the selling manufacturer's credit balance to reflect the sale of such credits and any resulting credit deficit.

(3) *Notice of opportunity for hearing.* Any revoking of the certificate under paragraph (p)(1)(vi) of this section will be made only after EPA has offered the affected manufacturer an opportunity for a hearing conducted in accordance with §86.614-84 for light-duty vehicles or §86.1014-84 for light-duty trucks and, if a manufacturer requests such a hearing, will be made only after an initial decision by the Presiding Officer.

[72 FR 8567, Feb. 26, 2007]

#### APPENDIX I TO SUBPART S OF PART 86— VEHICLE PROCUREMENT METHODOLOGY

I. *Test Sampling:* The master owner list will be obtained from manufacturer records or owner registration lists. The list shall include all vehicle configurations of the target reality check test group within the selected mailing area. The mailing area shall be within a radius of at least 20 miles from the test site.

II. *Selection Guidelines:* The manufacturer or their representative shall make a reasonable effort to contact potential participants. Solicitation letters will be sent to potential participants in the order of their appearance on a randomized master owner list. The manufacturer or their representative shall perform the following steps:

(a) The manufacturer or their representative shall mail solicitation letters in batches. The size of each batch is at least five times the required number of vehicles to be tested for the group that year. First class mail shall be used.

(b) If the response rate is less than 20% after two to four weeks, the manufacturer or their representative shall make one more attempt and send a new solicitation package to the potential participants who have not yet responded.

(c) A telephone questionnaire will be conducted on a random selection of returned, positive-response postcards.

(d) If the required number of vehicles is not obtained, additional solicitation letters shall

be sent to the next batch of potential participants in the order of their appearance on a randomized master owner list until the required number of vehicles are procured.

(e) Alternative selection methods may be used with advanced approval from the Administrator.

III. *Vehicles Not Available:* Vehicles may not be available or will not be pursued for procurement for the following reasons:

(a) The potential participant response indicates "not willing to participate."

(b) The customer has moved out of the area.

(c) The solicitation letter is undeliverable.

(d) The customer did not respond after two attempts.

(e) The vehicle is not in the appropriate mileage or age category.

#### APPENDIX II TO SUBPART S OF PART 86— AS-RECEIVED TESTING VEHICLE REJECTION CRITERIA

1. The odometer is inoperative, has been replaced, or the indicated mileage is outside the target range.

2. The emission system of the vehicle has been obviously tampered or the vehicle has been operated on leaded fuel. A manufacturer may request a vehicle be rejected because of the addition of an aftermarket security system if the manufacturer establishes that the installation would make that vehicle's emissions unrepresentative.

3. The vehicle has been used for severe duty (trailer towing for passenger cars, snow plowing, racing)

4. The vehicle has a history of extensive collision damage or major engine repair (piston, crank, cylinder head, engine block).

5. The vehicle exhibits ominous noises or serious fluid leaks from the engine or transmission, a modified exhaust system, (headers, side pipes, aftermarket catalysts, etc) or an exhaust system with an audible leak.

6. Testing the vehicle could endanger the safety of the vehicle, test facility, or individuals conducting the testing.

7. The MIL light is flashing (severe misfire indication).

8. Other items with prior agency approval.

#### APPENDIX III TO SUBPART S OF PART 86—AS-RECEIVED INSPECTION

Items to be recorded at time of Initial Inspection of Vehicle—

1. Date of Inspection
3. Test Group
4. Evaporative/refueling Family
5. Vehicle model
6. Odometer Reading
7. Build Date
8. MIL light on/off status
9. Readiness code status
10. Stored OBD codes